

SUBCHAPTER 10 OVERLAY ZONES

295-1001. Overlay Zone Purposes. Overlay zones are intended to identify areas of the city that have unique qualities requiring special treatment or locations where special approaches to development may be warranted. Overlay zone designations are intended to protect these areas from incompatible development or to establish development standards which will insure that new developments will not adversely affect surrounding areas. Overlay zones may add new standards over and above those of any base or underlying zoning district except a planned development district. They may also alter the standards of any base zoning district except a planned development district.

295-1003. Neighborhood Conservation Overlay Zone (NC). 1. **PURPOSE.** The neighborhood conservation overlay zone is intended to provide a vehicle to initiate and implement programs for the revitalization or conservation of older areas or districts possessing distinctive features, identity, or character worthy of retention and enhancement. A neighborhood conservation overlay zone takes effect through adoption of a neighborhood conservation plan and a set of guidelines that will facilitate maintenance and protection of the neighborhood character and the development of vacant or underused lots. Incompatible mixes of uses will be reduced or prohibited by adding limitations to the list of permitted, limited and special uses of the base district.

2. **PROCEDURES.** a. Preparation of a Neighborhood Conservation Plan. Prior to the city plan commission's consideration of a proposed neighborhood conservation overlay zone, a neighborhood conservation plan shall be completed by neighborhood property owners, the commissioner or both neighborhood property owners and the commissioner, and shall include the following:

a-1. A statement of purpose and an explanation of how the criteria of par. b are met.

a-2. An ordinance and map indicating the boundaries of all lots in the proposed neighborhood conservation overlay zone and the base zoning districts contained within the proposed overlay zone.

a-3. A neighborhood conservation plan consisting of a map and such other textual and graphic material as may be necessary to indicate land uses, building types and features, site development requirements, signing, circulation, off-street parking and modifications to base district standards.

b. Plan Criteria. The neighborhood conservation plan shall demonstrate that the neighborhood conservation overlay zone meets one or more of the following criteria:

b-1. Distinctive building features, such as period of construction, style, size, scale, detailing, mass, color and material.

b-2. Distinctive features or articles associated with the streetscape, such as light fixtures and devices, signs, benches, curb markers, kiosks and bollards.

b-3. Distinctive site planning and natural features, such as lot platting, street layout, setbacks, alleyways, sidewalks, creekbeds, parks and gardens.

b-4. Distinctive land uses or land use patterns, such as mixed or unique uses or activities, not permitted by base district without modification.

c. Creation. Creation of a neighborhood conservation overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307, and shall include common council approval of a neighborhood conservation plan at the same time the map amendment is adopted. The plan shall establish standards and conditions for development consistent with the purposes of the plan and may include changes in land use controls and development standards.

d. Zoning Map Designator. Each neighborhood conservation overlay zone shall be shown on the zoning map by an "NC" designator and an appropriate number.

e. Limitation on Permit Issuance. No building or grading permit for a project within a neighborhood conservation overlay zone shall be issued by the commissioner unless the use, alteration or construction meets the standards set forth in, or prepared pursuant to, sub. 3.

3. **STANDARDS.** a. Size. Each neighborhood conservation overlay zone shall include a minimum contiguous area of 2 acres, including intervening streets and alleys, and shall contain at least 3 separate parcels.

b. Uses. Provisions for specific uses included in any base zoning district except a planned development district may be modified by the neighborhood conservation plan to accommodate unique or mixed uses serving the neighborhood or to restrict uses which adversely affect the neighborhood.

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- c. Performance Criteria. Performance criteria for permitted, limited or special uses may be modified by the neighborhood conservation plan.
- d. Development and Design Standards. Development and design standards may be created to enhance the neighborhood's identity and character.

295-1005. Interim Study Overlay Zone (IS). 1. PURPOSE. The interim study overlay zone is intended to allow discretionary review of development proposals in areas where changes in zoning provisions are contemplated or under study. This zone will allow new developments to proceed through a review process that will insure that the development is compatible with the city's comprehensive plan rather than establishing a moratorium during a time when new or modified zoning provisions are being put into place.

2. PROCEDURES. a. Creation. Creation of an interim study overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307, and may occur only in a location for which an area-specific comprehensive plan element has been adopted by the city plan commission.

b. Study Plan. Prior to approving the establishment of an interim study overlay zone, the city plan commission and the common council shall approve, by resolution, a study plan that identifies regulatory problems and states land use and development issues to be resolved for the area proposed for reclassification.

c. Zoning Map Designator. Each interim study overlay zone shall be shown on the zoning map with an "IS" designator and an appropriate number.

d. Special Use Permit Required. Upon the establishment of an interim study overlay zone, all uses listed in the existing or proposed district as permitted, limited or special uses shall be special uses for which approval of special use permits by the board of zoning appeals is required. In addition to the findings required for special uses, the board shall find that a proposed use will not conflict with or exacerbate the land use and development issues identified by the study plan approved for the area at the time the interim study overlay zone was created.

e. Time Limits. An ordinance establishing an interim study overlay zone shall contain a provision terminating the interim study overlay zone designation at a specified time, but not more than 2 years from its effective date. An ordinance establishing an interim study overlay zone may be amended, reenacted, or superseded by a zoning map amendment adopted as prescribed by s. 295-307.

f. Resubmittal of Development Proposals. Notwithstanding the provisions of s. 295-307, a special use permit application that has been denied, or approved subject to conditions unacceptable to the applicant, may be resubmitted on or after the effective date of a zoning map amendment superseding an interim study overlay zone designation.

295-1007. Development Incentive Overlay Zone (DIZ) 1. PURPOSES. The specific purposes of the development incentive overlay zone are to:

- a. Provide opportunities to create new development projects which are more compatible with existing development on adjacent sites.
- b. Create a pedestrian-friendly environment in both design and scale.
- c. Encourage creativity, variety and excellence in project design and layout.
- d. Utilize a development review and approval process that meets these purposes without causing undue delays.

2. PROCEDURES. a. Creation. Creation of a development incentive overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. Performance Standards. Upon receipt of an application for creation of a development incentive overlay zone, the commissioner shall prepare performance standards for review and approval by the common council at the same time the map amendment is adopted.

c. Zoning Map Designator. Each development incentive overlay zone shall be shown on the zoning map by a "DIZ" designator and an appropriate number.

e. Limitation on Permit Issuance. No building or grading permit for a project within a development incentive overlay zone shall be issued by the commissioner until development plan approval has been granted or specified conditions have been met. The development of single-family or 2-family dwellings shall be exempt from this requirement.

3. STANDARDS. a. Performance Standards. The commissioner shall prepare performance standards applicable to each development incentive overlay zone. Such performance standards may include, but shall not be limited to, design requirements, signage, fencing and landscaping, buffers, open space, pedestrian and vehicular access, and building height, bulk, placement, materials, façade treatment and transparency. These standards, along with the required findings specified in par. b, shall be used as the basis for review and approval of individual detailed development plans. These standards shall supercede the standards of the underlying district; provided, however, that where the performance standards do not specify new standards, those of the underlying district shall be maintained. The commissioner shall also include, within the performance standards, modifications to the lists of permitted, limited, and special uses in the underlying zoning district. Such modifications may include a list of all uses which will be permitted and which will be prohibited.

b. Required Findings. Prior to the approval or conditional approval of any site work within a development incentive overlay zone, the city plan commission shall find that the development plan:

b-1. Is consistent with the city's comprehensive plan.

b-2. Is consistent with the performance standards of the zone.

b-3. Will not result in development of the site in such a way that its use would be detrimental to the health, safety, morals, comfort and general welfare of the persons residing, working, shopping or recreating in the neighborhood, or be injurious or detrimental to the property and improvements in the neighborhood or to the general welfare of the city.

295-1009. Site Plan Review Overlay Zone (SP). **1. PURPOSE.** This overlay zone adds design and building placement standards over and above those required by the base district. These standards are intended to provide improved buffers, pedestrian and vehicular access, and neighborhood compatibility and transition.

2. PROCEDURES. a. Creation. Creation of a site plan review overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. Design Standards. Upon receipt of an application for creation of a site plan review overlay zone, the commissioner shall prepare design standards for review and approval by the common council at the same time the map amendment is adopted.

c. Zoning Map Designator. Each site plan review overlay zone shall be shown on the zoning map by a "SP" designator and an appropriate number.

d. Development Plan Review. Once the site plan review overlay zone has been established, plans for all site work within the zone shall be submitted to the city plan commission for its approval. The approved design standards shall be used by the commission in its review of development plans within the zone.

3. STANDARDS. a. Design Standards. The commissioner shall prepare design standards applicable to each site plan review overlay zone. Such design standards may include, but shall not be limited to: signage; fencing and landscaping; buffers; open space; pedestrian and vehicular access; building height, bulk, placement, façade treatment, materials and transparency. These standards, along with the required findings specified in par. b, shall be used as the basis for review and approval of individual detailed development plans. These standards shall supercede the standards of the underlying district; provided, however, that where the design standards do not specify new standards, those of the underlying district shall be followed.

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b. Required Findings. Prior to the approval or conditional approval of any site work within a site plan review overlay zone, the city plan commission shall find that the development plan for such site work:

b-1. Is consistent with the city's comprehensive plan.

b-2. Is consistent with the design standards of the zone.

b-3. Will not result in development of the site in such a way that its use would be detrimental to the health, safety, morals, comfort and general welfare of the persons residing, working, shopping or recreating in the neighborhood, or be injurious or detrimental to the property and improvements in the neighborhood or to the general welfare of the city.

295-1011. Flood Plain Overlay Zones (FP) 1. PURPOSES. The purposes of the flood plain overlay zones are to identify flood-prone areas in the city with respect to establishing corrective and preventive measures to reduce flood damage and alerting the public to the flood-related hazards it may face in such areas. Two flood plain overlay zones, floodway and flood fringe, are established. Floodways are characterized by deeper, faster-moving water, while flood fringe areas typically contain shallow, slow-moving water. The purpose of the floodway overlay zone is to insure that the flow of water is not impeded during periodic flooding, and that flood heights upstream are not increased. The purpose of the flood fringe overlay zone is to allow limited development so long as adequate floodproofing measures are followed, flood storage areas are not reduced during periodic flooding and flood heights are not increased upstream.

2. PROCEDURES. a. Creation. Creation of a flood plain overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307. Such an amendment shall not be final until approved by both the Wisconsin department of natural resources and the federal emergency management administration.

b. Zoning Map Designator. Each flood plain overlay zone shall be shown on the zoning map by either an "FP1" designator indicating a floodway area or an "FP2" designator indicating a flood fringe area.

c. Variances and Special Uses. Pursuant to s. 295-311-4-f-2-a, the board of zoning appeals shall take no action on any application for a variance or special use permit in a flood plain overlay zone for 30 days following the date of receipt of the application or until the Wisconsin department of natural resources has made its recommendation, whichever is sooner.

3. STANDARDS. a. Land Use Regulations in the Floodway Overlay Zone. a-1. Permitted Uses. The following are permitted uses in the floodway overlay zone:

a-1-a. Farming, truck gardening and nurseries, but not structures.

a-1-b. Impoundments and wildlife preserves.

a-2. Special Uses. The following are special uses in the floodway overlay zone:

a-2-a. Navigational structures.

a-2-b. Water measurement and control facilities.

a-2-c. Bridges.

a-2-d. Marinas.

a-2-e. Utility poles, towers, and underground conduit for transmission of electricity, telephone, cable television, natural gas and similar products and services.

a-2-f. Parks, playgrounds and other recreational areas, but not campgrounds.

a-2-g. Off-street surface parking and loading areas accessory to permitted uses in adjoining districts, but not new or used motor vehicle sale or storage areas.

a-2-h. Filling or dumping material in conjunction with the establishment of bulkheads or bridge approaches, as authorized by the Wisconsin department of natural resources.

a-2-i. Municipal water supply and sanitary sewerage systems, provided they are floodproofed and designed to eliminate or minimize infiltration of floodwater into the system.

a-3. Prohibited Uses. The following uses are prohibited in a floodway zone:

a-3-a. Dumping and filling not authorized by the Wisconsin department of natural resources.

However, incidental grading activities normally associated with the development of open space, outdoor recreation, yards, parking or loading is permitted.

a-3-b. The storage of material that is buoyant, flammable, explosive, or harmful to human, animal or plant life.

a-3-c. Solid waste disposal, soil absorption sanitary sewer systems or construction of wells providing water for human consumption.

a-3-d. All fill, structures and other development that would impair floodwater conveyance by adversely increasing flood stages, or velocities, or would itself be subject to flood damages.

a-3-e. Any development that in itself or in combination with existing or future similar uses would increase the regional flood elevation by 1/10 of a foot is not allowed. Calculations for this purpose are made by applying the principles of equal degree of hydraulic and hydrologic encroachment.

b. Land Use Regulations in the Flood Fringe Overlay Zone. b-1. Permitted Uses. The following are permitted uses in the flood fringe overlay zone:

b-1-a. Farming, truck gardening and nurseries, but not structures.

b-1-b. Impoundments and wildlife preserve.

b-1-c. Any use listed in par. a-2.

b-2. Limited Uses. A residential, business or manufacturing use permitted in the underlying zoning district shall be allowed provided it meets the following standards:

b-2-a. The commissioner has determined that the use or improvement will not: impede drainage or cause ponding; increase flood flow velocities; increase the regional flood elevation; retard the movement of flood water; diminish flood plain storage capacity; result in structures or uses that will catch or collect debris or be damaged by floodwater.

b-2-b. If the use is placed on fill, the fill elevation shall be at least 2 feet above the regional flood profile elevation and extended at least 15 feet beyond the limits of a structure. The fill elevation shall be contiguous to lands outside the flood plain where the depth and duration of floodwaters are sufficient to cause rescue and relief problems. The finished surface of the lowest floor of any building, including the basement, shall be at or above fill elevation.

b-2-c. Where existing streets or sewer lines are at elevations making compliance with subpar. b impractical, structures may be erected or substantially improved where access is provided from streets at lower elevations than the flood profile elevation if they are floodproofed and the commissioner has received written assurance from the fire and police departments and other emergency services providers that rescue and relief can be provided based on the anticipated depth, duration and velocities of the regional flood. Floodproofing of structures shall be extended at least to the flood protection elevation. Any structure that is located entirely or partially below the flood protection elevation shall be anchored to protect it from larger floods.

b-3. Accessory Uses. An accessory use permitted in the underlying zoning district shall be allowed provided any accessory structure:

b-3-a. Is not attached to the principal structure.

b-3-b. Is not designed for human habitation.

b-3-c. Has a low flood damage potential.

b-3-d. Is erected and placed to provide minimum obstruction to flood flows and, whenever possible, oriented so that its longitudinal axis parallels the flow of floodwaters.

b-3-e. Is firmly anchored to prevent it from floating away and restricting bridge openings.

b-3-f. Has all service facilities, such as electrical and heating equipment, at an elevation at least 2 feet above the regional flood profile elevation.

b-4. Prohibited Uses. Solid waste disposal, soil absorption sanitary sewer systems and construction of wells providing water for human consumption are prohibited in flood fringe overlay zones.

c. Development Regulations Applying to Both Floodway and Flood Fringe Overlay Zones.

c-1. Removal of Uses. Residential, business and manufacturing uses placed on fill may be removed provided the fill is at least 2 feet above the regional flood elevation and contiguous to lands outside of the flood plain and a zoning map amendment is approved pursuant to s. 295-307.

c-2. Maintenance and Drainageways. Development shall not adversely affect channels, floodways, or banks of any tributaries of the city's watercourses, or land outside of the flood plain.

c-3. Permits Required. It shall be unlawful to use any structure or land, or to erect, alter, relocate, extend or substantially improve any structure prior to the issuance of a permit. Furthermore, it shall be the responsibility of the permit applicant to secure all necessary permits required by local, state or federal agencies, including but not limited to:

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c-3-a. Any permit, certificate or license, including any flood plain fill permit, in accordance with ch. 200.

c-3-b. Water use permits, in accordance with chs. 30 and 31, Wis. Stats.

c-3-c. Wetland fill permits, in accordance with s. 404 of the federal water pollution control act.

c-4. Certification of Floodproofing. As a precondition of issuance of a certificate of occupancy, certification of floodproofing for a structure or use shall be submitted to the commissioner. This certification shall consist of a plan or document from a registered engineer certifying that the floodproofing measures taken are consistent with the flood velocities, forces, depths and other factors associated with the regional flood.

c-5. Rivers and Streams. No river or stream shall be altered or relocated until a flood plain overlay zone zoning map amendment is approved by the common council in accord with s. 295-307.

c-6. Warning; Disclaimer. The degree of flood protection provided in this chapter is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Larger floods may occur on rare occasions or the flood level may be increased by artificial or natural causes, such as ice jams or bridge openings restricted by debris. The provisions of this chapter are not intended to imply that the areas outside of the delineated flood plain, or the land uses permitted within the flood plain, are totally free from flooding and associated flood damage. These provisions shall not create a liability on the part of nor a cause of action against the city of Milwaukee, or any office or employee thereof, for any flood damage that may result from reliance upon them.

295-1013. Shoreland-Wetland Overlay Zone (WL). 1. PURPOSES. The shoreland-wetland overlay zone, which includes all wetlands in the city that are 2 acres or more in area, as defined by the "FINAL" Wisconsin Wetland Inventory Maps dated March 29, 1989, is intended to:

- a. Maintain the storm and flood water storage capacity of wetlands.
- b. Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
- c. Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat.
- d. Prohibit certain uses detrimental to shoreland-wetland areas.
- e. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.

2. PROCEDURES. a. Creation. Creation of a shoreland-wetland overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. Zoning Map Designator. Each shoreland-wetland overlay zone shall be shown on the zoning map by a "WL" designator and an appropriate number.

3. STANDARDS. a. Permitted Uses. In a shoreland-wetland overlay zone, the following are permitted uses, provided that no wetland alteration occurs:

- a-1. Hiking.
- a-2. Fishing.
- a-3. Swimming.
- a-4. Boating.
- b. Special Uses. The following are special uses in the shoreland-wetland overlay zone:
 - b-1. Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
 - b-2. Silviculture, including the planting, thinning and harvesting of timber, and limited temporary water level stabilization measures as necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.
 - b-3. Raising of minnows or other wetland or aquatic animals.
 - b-4. Maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible.
 - b-5. Construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance.

b-6. Installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zone provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in sub. 1.

b-7. Maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

b-8. Construction and maintenance of roads as necessary to provide continuity in the city's street system, essential utility and emergency services, or access to uses listed under this subsection, provided that:

b-8-a. The road cannot, as a practical matter, be located outside the wetland.

b-8-b. The road is designed and constructed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in sub. 1.

b-8-c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.

b-8-d. Road construction activities are carried out only in the immediate area of the roadbed.

b-8-e. Any wetland alteration shall be only that necessary to accommodate construction or maintenance of the road.

b-9. Construction and maintenance of a nonresidential building provided that:

b-9-a. The building cannot, as a practical matter, be located outside the wetland.

b-9-b. The building does not exceed 500 square feet in floor area.

b-9-c. Only limited filling and excavating necessary to provide structural support for the building shall be allowed.

b-10. Establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:

b-10-a. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures shall be allowed.

b-10-b. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

b-11. Construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines, provided that:

b-11-a. These utility facilities and lines cannot, as a practical matter, be located outside the wetland.

b-11-b. Only limited filling or excavating necessary for construction or maintenance shall be allowed.

b-11-c. Construction or maintenance shall be performed in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in sub. 1.

c. Use of Boathouses and Houseboats. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters is prohibited.

d. Exemptions. d-1. Filled Wetlands Exempted. Wetlands filled prior to June 16, 1992, in a manner that affects their wetland characteristics to the extent that the area can no longer be defined as wetlands shall not be subject to the provisions of this section.

d-2. Wetlands Landward Of A Bulkhead Line Exempted. Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982, under s. 30.11, Wis. Stats., and the Milwaukee harbor as defined in s. 118-80, shall not be subject to the provisions of this section.

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295-1015. Lakefront Overlay Zone (LF). 1. **PURPOSE.** The lakefront overlay zone is established to accommodate a wide variety of public and quasi-public facilities providing recreational and cultural opportunities and supporting services that require lakefront sites.

2. **PROCEDURES.** a. **Creation.** Creation of a lakefront overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. **Zoning Map Designator.** The lakefront overlay zone shall be shown on the zoning map with an "LF" designator.

3. **STANDARDS.** a. **Use Table.** Table 295-1015-3-a indicates the use classifications for various land uses in the lakefront overlay zone. These use classifications replace the classifications of the underlying zoning district. Any use not listed in the table is a prohibited use in the lakefront overlay zone. The following are the use classifications indicated in Table 295-1015-3-a:

a-1. "Y" indicates a permitted use. This use is permitted as a matter of right subject to all performance standards.

a-2. "L" indicates a limited use. This use is permitted only when the use meets the standards of subdiv. a-2. If the use cannot meet these standards, it shall be permitted only upon board approval of a special use permit pursuant to s. 295-311-2, unless otherwise prohibited by par. b.

a-3. "S" indicates a special use. This use is permitted only if the board approves a special use permit pursuant to s. 295-311-2.

Table 295-1015-3-a LAKEFRONT OVERLAY ZONE USE TABLE	
Y=Permitted Use L=Limited Use S=Special Use	Zoning District
Uses	LF
EDUCATIONAL USES	
Day care center	L
COMMUNITY-SERVING USES	
Library	Y
Cultural institution	Y
Community center	L
COMMERCIAL AND OFFICE USES	
General Office	S
Government office	Y
Retail establishment, general	L
MOTOR VEHICLE USES	
Parking lot, principal use	S
Parking lot, accessory use	Y
Parking structure, principal use	S
Parking structure, accessory use	S
ACCOMMODATION AND FOOD SERVICE USES	
Bed and breakfast	S
Tavern	S
Assembly hall	L
Restaurant, sit-down	L
Restaurant, fast-food/carry-out	L
ENTERTAINMENT AND RECREATION USES	
Park or play ground	Y
Festival grounds	Y
Recreation facility, indoor	S
Recreation facility, outdoor	S
Theater	S
Marina	L

Table 295-1015-3-a LAKEFRONT OVERLAY ZONE USE TABLE			
Y=Permitted Use	L=Limited Use	S=Special Use	Zoning District
Uses			LF
TRANSPORTATION USES			
Passenger terminal			Y
Helicopter landing facility			S
Ship terminal or docking facility			S
UTILITY AND PUBLIC SERVICE USES			
Transmission tower			L
Water treatment plant			Y
Substation/distribution equipment, indoor			S
Substation/distribution equipment, outdoor			L
TEMPORARY USES			
Seasonal market			L
Live entertainment special event			L

- b. Limited Use Standards. b-1. Day Care Center. b-1-a. The use is located in a building containing a library or cultural institution as a principal use.
- b-1-b. The use shall not operate between the hours of 10 p.m. and 6 a.m.
- b-2. Community Center or Assembly Hall. The facility shall be owned and operated by a governmental agency or entity.
- b-3. General Retail Establishment, Sit-down Restaurant or Fast-food/Carry-out Restaurant.
- b-3-a. The area devoted to the use shall not exceed 1,000 square feet.
- b-3-b. The use shall be located in a structure owned by a governmental agency or entity.
- b-3-c. The use shall be ancillary to park and recreational uses.
- b-4. Marina. Indoor sales or storage of boats shall not be permitted.
- b-5. Transmission Tower. b-4-a. The tower shall comply with the applicable provisions of s. 295-413.
- b-5-b. The tower shall not exceed the height limit of the underlying zoning district.
- b-6. Substation/distribution Equipment, Outdoor. All structures associated with the use shall be screened with type "G" landscaping, as described in s. 295-405.
- b-7. Seasonal Market. b-7-a. The activity shall be located on property owned or leased by the operator of the seasonal market. Alternatively, the market operator may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a seasonal market. A specific certificate of occupancy shall not be required for a seasonal market meeting the requirements of this paragraph.
- b-7-b. If flowers, plants, Wisconsin-grown farm products or Christmas trees constitute at least 75% of the merchandise offered for sale, the activity shall be limited to not more than 90 days in one calendar year. Otherwise, the duration of the seasonal market shall be limited to not more than 14 days in one calendar year.
- b-7-c. The activity shall not produce glare, spill light or noise in violation of the provisions of ch. 80.
- b-7-d. Signage shall be limited to not more than 2 signs and a total display area of 16 square feet for all signs combined.
- b-7-e. Sales shall not occur between the hours of 9 p.m. and 7 a.m.
- b-7-f. The site shall be restored to its previous condition following termination of the market operation.
- b-8. Live Entertainment Special Event. b-8-a. If the event is to occur on the public right-of-way or other public property, the person, firm or organization coordinating the event shall obtain a special event permit in accordance with s. 105-55.5.

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b-8-b. The person, firm or organization coordinating the event shall obtain a festival permit, if required to do so by s. 261-103.

b-8-c. The event shall be located on property owned or leased by the person, firm or organization that is coordinating it. Alternatively, such person, firm or organization may furnish the department with written evidence that the property owner has given the operator permission to use the premises for a live entertainment special event.

c. Design Standards. c-1. Purpose. The objective of the design standards of this paragraph is to reduce or eliminate potential adverse effects and nuisances sometimes associated with the various uses found in this district, particularly as these uses impact surrounding residents and businesses. The standards set forth in this paragraph include the provision of setbacks and the use of screening/buffering techniques to limit the visibility of certain activities.

c-2. Principal Building Standards. All principal buildings shall have setbacks of at least 25 feet from all property lines, except along the front lot line, where the required setback shall be the average setback as determined in accordance with the provisions of s. 295-505-2-b-4.

c-3. Accessory Building Standards. Accessory buildings shall have setbacks of at least 25 feet from all property lines.

c-4. Site Standards. c-4-a. Parking. Off-street parking spaces shall be provided in accordance with the requirements of s. 295-403-2 and shall meet the design standards of s. 295-403-3.

c-4-b. Dumpsters and Waste Storage. A dumpster or common waste storage facility visible from a public street or any real property that is not zoned industrial-light or industrial-heavy shall be screened with type "G" landscaping, as described in s. 295-405.

c-4-c. Loading Docks. Where loading for more than 2 truck bays is in a yard facing and visible from a public street or any real property that is not zoned industrial-light or industrial-heavy, the loading area shall be screened with type "G" landscaping, as described in s. 295-405. These standards may be waived in whole or in part, or compliance with them may be delayed in whole or in part, if visibility of the loading docks is limited by changes of grade, natural features, elevated roadways, existing buildings or similar obstructions.

c-4-d. Fences. Fences shall comply with the fence regulations for residential zoning districts, as specified in s. 295-505-4-f.

c-4-e. Signs, Generally. Table 295-1015-3-c-4-e contains the regulations for on-premise and off-premise signs in the lakefront overlay zone. General regulations applicable to all signs can be found in s. 295-407.

c-4-f. Temporary Signs. A sign pertaining to the construction of a building or the sale or lease of vacant land shall be permitted in the lakefront overlay zone provided it does not exceed 36 square feet. A sign erected and maintained on a lot to advertise the leasing, rental or sale of a building or other improved real estate shall be permitted in the lakefront overlay zone provided it does not exceed 6 square feet.

c-4-g. Standards for Multiple Freestanding Signs. Where more than one freestanding sign is permitted on a site, no 2 freestanding signs may have display areas that are oriented to the same street. In addition, the signs shall be located as far apart as possibly practicable or be separated by a building.

c-4-h. Combination type A and B Signs. Signs that contain elements of both type A and type B signs shall be permitted as long as the size of each element does not exceed its prorated share of total display area, in accordance with s. 295-205-5-d.

c-5. Metal Building Walls. The use of corrugated metal, a metal panel-and-batten system or any other pre-engineered metal building technology on any front façade or street façade located within 100 feet of a street shall be prohibited for any new building construction, addition, or substantial improvement as of November 20, 2004. This provision shall not preclude the use of metal panels or siding in detailing soffits, fascia, dormers, coping, cupolas and similar architectural features, provided the metal materials cover not more than 15% of the total façade, nor shall it preclude the use of metal building walls on additions to existing buildings constructed of similar materials.

Table 295-1015-3-c-4-e SIGN REGULATIONS FOR THE LAKEFRONT OVERLAY ZONE	
	LF
<i>Freestanding Signs (permitted)</i>	
Maximum number	1 per activity
Type "A" max. display area (sq. ft.)	30
Type "B" max. display area (sq. ft.)	18; 27 if set on or in a base constructed of masonry materials
Maximum height	8 ft.
<i>Wall Signs (permitted)</i>	
Maximum number	1 per building
Type "A" max. display area (sq. ft.)	50
Type "B" max. display area (sq. ft.)	25
<i>Projecting Signs (permitted)</i>	
Maximum number	1 per 25 lineal ft.
Type "A" max. display area (sq. ft.)	25
Type "B" max. display area (sq. ft.)	10
<i>Awning Signs (type "A" permitted only)</i>	
Maximum number	no limit
Type "A" max. display area (sq. ft.)	10
<i>Hood Signs (permitted)</i>	
Maximum number	1 per 25 lineal ft.
Type "A" max. display area (sq. ft.)	60
Type "B" max. display area (sq. ft.)	30
<i>Canopy Signs (permitted)</i>	
Maximum number	1 per 25 lineal ft.
Type "A" max. display area (sq. ft.)	25
Type "B" max. display area (sq. ft.)	10
<i>Roof Signs (not permitted)</i>	
<i>Off-premise Signs (not permitted)</i>	

295-1017 Zoning

295-1017. Master Sign Program Overlay Zone (MSP). 1. PURPOSE. This overlay zone allows the use of different sign regulations in place of or in addition to the sign regulations of the base zoning district for the purpose of allowing overall flexibility in the application of sign regulations, yet encouraging consistency of sign design within a defined geographical area.

2. PROCEDURES. a. Creation. Creation of a master sign program overlay zone shall be by amendment to the zoning map, pursuant to s. 295-307.

b. Zoning Map Designator. Each master sign program overlay zone shall be shown on the zoning map by an "MSP" designator and an appropriate number.

c. Limitation on Permit Issuance. Permits may be issued for signs in an area covered by an approved master sign program only if such signs conform to the standards of the program.

d. Standards. Along with the application for creation of a master sign program overlay zone, the applicant shall submit a master sign program for review and approval by the common council at the same time the map amendment is adopted. The master sign program shall include the following:

d-1. A site plan, drawn to scale, delineating the area proposed for inclusion within the master sign program and the general location of all proposed signs.

d-2. Scale drawings or sketches indicating the location and characteristics of all existing signs.

d-3. Scale drawings or sketches indicating exterior surface details of all buildings on the site on which wall signs, directory signs, freestanding signs or projecting signs are proposed.

d-4. A graphic and written program specifying sign standards, including color, size, construction details, illumination and placement.

d-5. A statement of the reasons for any requested deviations from the standards or regulations of this section.

e. Allowable Deviations. A master sign program may include more than one freestanding sign per parcel or other deviations from the standards of this section, such as but not limited to the maximum size or height of individual signs, provided the master sign program meets the intent of the provisions of this section.

f. Required Findings. No master sign program shall be approved unless the commission finds all of the following to be true:

f-1. The design quality of the site and surrounding area will be greater with the master sign program than with application of the regulations and standards of this chapter.

f-2. The proposed signs are compatible with the style or character of other existing or proposed improvements on the site and with one another.

f-3. The proposed sign program will accommodate the signage needs of both current and future occupants of the site.

f-4. The total display area of all signs on the site does not exceed 150% of the total display area otherwise allowed.

f-5. The number of freestanding signs does not equal one more than, or 50% more than the number of signs otherwise permitted, whichever is greater.

f-6. The height of any freestanding sign will not exceed 150% of the maximum height otherwise allowed.

g. Conditions of Approval. In approving a master sign program, the commission may impose, upon the applicant and the site to which the program would apply, any reasonable conditions necessary to carry out the intent of this subsection while still providing each sign user with opportunities for effective identification and communication.

*For legislative history of this chapter, contact the Legislative Reference Bureau."

[Pages 943 to 1000 are blank]